



Federal Communications Commission
Washington, D.C. 20554

September 2, 2014

DA 14-1266

Pappammal Kurian
4880 Sun Valley Dr.
Las Vegas, NV 89121

RE: Petition to deny applications FCC File Nos. 0006361933, 0006361947, 0006361960, and 0006361965

Dear Ms. Kurian:

This letter addresses your petition, filed on August 18, 2014,¹ to deny the above-referenced applications for the assignment of sixty-nine land mobile and microwave licenses held by you or one of your entities, R F Data, Spectrum Wireless LLC, or PCS LLC, to William M. Holland (Holland).² For the reasons set forth below, we deny your petition, and will process the applications.

On January 30, 2014, the Nevada District Court of Clark County appointed Holland as receiver to liquidate the licenses and distribute the proceeds to satisfy a monetary judgment against you.³ On May 7, 2014, you granted Holland power of attorney to act on behalf of you and your entities with respect to the licenses.⁴ On July 10, 2014, Holland filed the above-referenced assignment applications. You oppose the assignment applications on the grounds that the Nevada state court orders rendering judgment against you and appointing a receiver were improper.⁵

The Commission's policy "is to accommodate state and local court decrees adjudicating disputes over contract and property rights, unless a public interest determination under the Communications Act . . . compels a different result."⁶ In particular, we will not substitute our judgment for that of the state court regarding the legitimacy of a receivership appointment.⁷ Any challenge to these actions must be pursued in a court of competent jurisdiction.⁸ Therefore, we deny your request that we review the merits of the Nevada state court orders prior to processing the assignment applications.

¹ Pappammal Kurian Petition to Deny (filed Aug. 18, 2014) (Petition).

² FCC File Nos. 0006361933, 0006361947, 0006361960, 0006361965 (filed July 10, 2014).

³ See Order Granting Plaintiff's Motion to Appoint William Holland as Receiver, Case No. A-12-669776-C, at 2 (Dist. Ct., Clark County, Nev. Jan. 30, 2014), contained in Exhibit 1 of the "Description of Assignment" attached to File Nos. 0006361933, 0006361947, 0006361960, 0006361965.

⁴ See Exhibit 2 of the "Description of Assignment."

⁵ See Petition at 1.

⁶ *Arecibo Radio Corp.*, *Memorandum Opinion and Order*, 101 F.C.C. 2d 545, 550 n.12 (1985), *aff'd sub nom. Llerandi v. FCC*, 863 F.2d 79 (D.C. Cir. 1988).

⁷ See *KOLA, Inc.*, *Memorandum Opinion and Order*, 11 FCC Rcd 14297, 14303 ¶ 11 (1996).

⁸ *Id.*

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Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, that the Petition to Deny filed by Pappammal Kurian on August 18, 2014, IS DENIED, and applications FCC File Nos. 0006361933, 0006361947, 0006361960, and 0006361965 SHALL BE PROCESSED in accordance with this action and the Commission's rules and policies.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

John J. Schauble
Deputy Chief, Broadband Division
Wireless Telecommunications Bureau

cc: William M. Holland, Receiver
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